

KIRBY McINERNEY LLP

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825 Third Avenue
New York, NY 10022
212.371.6600
Fax: 212.751.2540
WWW.KMILP.COM

APPLICATION GRANTED
SO ORDERED

By Hand Delivery

August 20, 2008

Honorable John G. Koeltl
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1030
New York, NY 10007

8/21/08
John G. Koeltl, U.S.D.J.

Re: *Robert A. Nilsen v. Champion Laboratories, Inc., et al.*,
Case No. 08-CIV-6553

Dear Judge Koeltl:

I represent plaintiff in the above-referenced matter and am writing, as advised by the deputy clerk Don Fletcher, to request that the conference currently scheduled for September 8, 2008 at 4:30 p.m. be adjourned for the following reasons:

First, this action is one of many related actions in multi-district litigation pending before the Judicial Panel on Multidistrict Litigation (the "Panel"). On August 18, 2008, the Panel issued an order to transfer these related actions to the Northern District of Illinois for coordinated or consolidated pretrial proceedings. (See Transfer Order attached as Exhibit 1). On August 14, 2008, we notified the Panel of this action as a related action pursuant to Rule 7.2(i) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation. (See Exhibit 2). Accordingly, this action is considered a "tag-along action" in the MDL proceeding and will be placed on a list of conditional transfer cases to the Northern District of Illinois for coordinated or consolidated pretrial proceedings. The Panel informed us that the earliest date the conditional transfer order can be issued is sometime next week.

Second, as of yet we have not served any of the defendants with the complaint and are currently in the process of doing so.

NEW YORK

TEXAS

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Due to the recent developments in the MDL proceeding and the status of plaintiff's current efforts to effectuate service, we respectfully request that the scheduled September 8th conference be adjourned.

Sincerely,


Daniel Hume

cc: See attached service list of attorneys
representing similar defendants in the
MDL proceeding (*via* email)